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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,772	02/27/2004	Robert R. Miniaci	037A.0001.U1(US)	1888
29683	7590	05/22/2006	EXAMINER	
HARRINGTON & SMITH, LLP 4 RESEARCH DRIVE SHELTON, CT 06484-6212			FULLER, RODNEY EVAN	
			ART UNIT	PAPER NUMBER
			2851	

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/789,772

Applicant(s)

MINIACI, ROBERT R.

Examiner

Rodney E. Fuller

Art Unit

2851

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on January 20, 2006 & February 28, 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-6,8-12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14-20 is/are allowed.
- 6) ☒ Claim(s) 1,4,5,9 and 10 is/are rejected.
- 7) ☒ Claim(s) 2,3,6,8,11 and 12 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

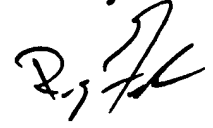
- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 July 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

Rodney Fuller  
Primary Examiner



## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Remarks***

On January 20, 2006, the applicant filed a petition under 37 C.F. R. § 1.181 to invoke the supervisory authority of the Commissioner. The applicant requested review objection to claims 1 and 9 set forth in the Office Action mailed November 29, 2005. The petition has been treated as a request to reconsider. After further consideration, the request to withdraw the claim objection is granted. Thus, the claim objection set forth in the Office Action mailed November 29, 2005 is withdrawn.

On February 28, 2006, the applicant filed an appeal brief in regard to the final rejection mailed November 29, 2005. The applicant has appealed the rejection of claims 1-6, 8-12 and 14-20.

Regarding the 35 U.S.C. 102(e) rejection of claims 9, 11, 12, 14, 19 and 20 as being anticipated by Gibbon, et al. (US 6,736,527), the applicant makes the argument (regarding independent claim 9) that (1) Gibbon does not disclose or suggest a lamp aligned generally horizontally and that (2) Gibbon "does not disclose or suggest that the reflector has a rear aperture larger than a center outer diameter of the lamp bulb."

Regarding applicant's first argument, the examiner acknowledges that Figures 1 and 2 of Gibbon show a bulb in a "vertical" orientation to the page or alternatively gravity. However, the bulb of Gibbon can be considered to be horizontally oriented with respect to the reflector or housing of the projector. Further, entire projector can be rotated such that the bulb is considered horizontal to gravity. Thus, the examiner maintains that Gibbon does disclose the orientation of the bulb as claimed. Regarding applicant's

Art Unit: 2851

second argument, the examiner has considered the applicant's arguments and withdraws the rejection based on MPEP 2125.

#### 2125 Drawings as Prior Art

##### DRAWINGS CAN BE USED AS PRIOR ART

Drawings and pictures can anticipate claims if they clearly show the structure which is claimed. In re Mraz, 455 F.2d 1069, 173 USPQ 25 (CCPA 1972). However, the picture must show all the claimed structural features and how they are put together. Jockmus v. Leviton, 28 F.2d 812 (2d Cir. 1928). The origin of the drawing is immaterial. For instance, drawings in a design patent can anticipate or make obvious the claimed invention as can drawings in utility patents. When the reference is a utility patent, it does not matter that the feature shown is unintended or unexplained in the specification.

The drawings must be evaluated for what they reasonably disclose and suggest to one of ordinary skill in the art. In re Aslanian, 590 F.2d 911, 200 USPQ 500 (CCPA 1979).

##### PROPORTIONS OF FEATURES IN A DRAWING ARE NOT EVIDENCE OF ACTUAL PROPORTIONS WHEN DRAWINGS ARE NOT TO SCALE

When the reference does not disclose that the drawings are to scale and is silent as to dimensions, arguments based on measurement of the drawing features are of little value. See Hockerson-Halberstadt, Inc. v. Avia Group Int'l, 222 F.3d 951, 956, 55 USPQ2d 1487, 1491 (Fed. Cir. 2000)

However, Slomski (US 3,700,881) teaches a reflector that has a rear aperture larger than a center outer diameter of the lamp bulb. Thus, the examiner sets forth that

the claimed limitations of claim 9 would be obvious in view of Gibbon (US 6,736,527) and Slomski (US 4,700,881).

Regarding claim 11, the applicant makes the argument that there is no disclosure or suggestion that anode end portion 38 is sized and shaped to space a rear end of the lamp forward from the lamp bulb anode and thereby allow the lamp bulb to be located closer to a front end of the lamp house. The examiner has considered the applicant's arguments and withdraws the rejection.

Regarding claim 12, the applicant makes the argument that there is no disclosure or suggestion that the cathode support 58 extends to a forward direction and is adapted to be deflected to align a front end of the lamp bulb. The examiner has considered the applicant's arguments and withdraws the rejection.

Regarding claim 14, the applicant makes the argument makes the argument that in view of the recitations in the body of the claim, the examiner has clearly made an error by not giving patentable weight to the preamble "A motion picture projection retrofit kit". The examiner has considered the applicant's arguments and withdraws the rejection.

Regarding claim 20, the applicant makes argument Gibbon does not disclose or suggest a method of aligning a lamp bulb with a reflector in a motion picture film projector. The examiner has considered the applicant's arguments and withdraws the rejection.

Regarding the 35 U.S.C. 103(a) rejection of claims 1, 2, 3, 4, 6, 8, 10 and 16 as being unpatentable over Gibbon, et al. (US 6,736,527) in view of Belliveau (US

Art Unit: 2851

6,048,080), the applicant makes the same arguments for claim 1 as for claim 9 (noted above) that (1) Gibbon does not disclose or suggest a lamp aligned generally horizontally and that (2) Gibbon "does not disclose or suggest that the reflector has a rear aperture larger than a center outer diameter of the lamp bulb. As above, the examiner withdraws the rejection due to the deficiencies of Gibbon. However, as above, the examiner sets forth that the claimed limitations of claim 1 would be obvious in view of Gibbon (US 6,736,527) in view of Belliveau (US 6,048,080) with the addition of Slomski (US 4,700,881).

Regarding claim 2, the applicant makes argument that "as noted with reference to claim 11, there is no disclosure or suggestion of a lamp bulb anode adaptor in Gibbon." The examiner has considered the applicant's arguments and withdraws the rejection.

Regarding claim 3, the applicant makes the argument that "as noted above with reference to claim 12, in Gibbon et al. there is no disclosure or suggestion that the cathode support 58 extends in a forward direction and is adapted to be deflected to align a front end of the lamp bulb. The examiner has considered the applicant's arguments and withdraws the rejection.

Regarding claim 6, the applicant makes the argument that there is no disclosure or suggestion of two lens collars at a front end of the head section, and wherein at least one of the lens collars is an eccentric collar which is adapted to be rotated to align a flat wide screen image on screen and correct for a vertically off-center aperture in the head

section. The examiner has considered the applicant's arguments and withdraws the rejection.

Regarding claim 8, the applicant makes the argument there is no disclosure or suggestion of the features of claim 8 in that the lamp bulb and the reflector are sized and shaped such that an operator looking rearward from a front side of the lamp bulb and reflector, and looking generally coaxially relative to a center longitudinal axis of the lamp bulb, can see a general ring shape gap between the reflector and the lamp bulb when the lamp is aligned relative to the reflector. The examiner has considered the applicant's arguments and withdraws the rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon, et al. (US 6,736,527) in view of Slomski (US 3,700,881).

Regarding claim 9, Gibbon discloses all the structure set forth in the claims except for explicitly stating "wherein the rear aperture is larger than a center outer diameter of the lamp bulb, wherein the lamp bulb and the reflector are sized and shaped

such that an operator looking rearward from a front side of the lamp bulb and reflector, and looking generally coaxially relative to a center longitudinal axis of the lamp bulb, can see a general ring shaped gap between the reflector and the lamp bulb when the lamp bulb is aligned relative to the reflector.” In other words, Gibbon does not explicitly disclose that the reflector has a rear aperture larger than a center outer diameter of the lamp bulb. However, a lamp useful in movie projectors (Slomski, column1, lines 13-15) with a reflector that has a rear aperture larger than a center outer diameter of the lamp bulb is routine in the art as is evident from the teachings of Slomski (See Slomski, Fig. 1, relative diameters in drawings; column 3, lines 64-67). Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to select a reflector in Gibbon such that the rear aperture is larger than the diameter of the bulb. The ordinary artisan would have been motivated to modify Gibbon in the manner described above to improve temperature distribution and/or to aid in the replacement of a bulb.

3. Claims 1, 4 and 10, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon, et al. (US 6,736,527) in view of Slomski (US 3,700,881) as applied to claim 9 above, and further in view of Belliveau (US 6,048,080).

Regarding claims 1 and 10, Gibbon discloses all the structure set forth in the claims except “wherein the optical member comprises infrared filtering coatings on both a front side and a rear side of the optical member.” However, Belliveau discloses a projector system comprising an optical member with infrared filtering coatings provided on both a front side and a rear side of the optical member (See column 5, line 55 – column 7, line 2). Thus, it would have been obvious to one of ordinary skill in the art at



Art Unit: 2851

the time the invention was made to incorporate infrared filtering coatings on both sides of the optical device disclosed by Gibbon. The ordinary artisan would have been motivated to modify Gibbon in the manner described above to reduce the amount of infrared heat reaching the film and thus prevent damage to the film.

Regarding claim 4, a further difference between Gibbon and the claimed invention is "wherein the shutter comprises a shutter of less than about 75 deg." However, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Gibbon such that the shutter comprises a shutter of less than about 75 deg., since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980).

4. Claims 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gibbon, et al. (US 6,736,527), Slomski (US 3,700,881) and Belliveau (US 6,048,080) as applied to claims 1 and 4 above, and further in view of Renold (US 4,778,093).

A further difference between modified Gibbon and the claimed invention is "wherein the film movement system comprises a high speed intermittent." However, the use of a film movement system that comprise a high speed intermittent is routine in the art as is evident from the teaching of Renold (See column 1, lines 9-11). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Gibbon by including a high speed intermittent. The ordinary artisan would

Art Unit: 2851

have been motivated to modify Gibbon the manner described above for at least the purpose of allowing the use of large format film (See Renold, column 1, lines 30-36).

### ***Allowable Subject Matter***

5. Claims 2, 3, 6, 8, 11 and 12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

6. Claims 14-20 are allowed.

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Thomas, et al. (US 5,114,190), Wilson (US 3,798,441), Blaisdell, et al. (US 4,384,319), and Thomas, et al. (US 5,059,146) each disclose a reflector that has a rear aperture larger than a center outer diameter of the lamp bulb.

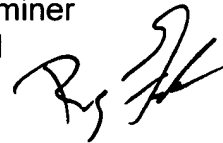
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rodney E. Fuller whose telephone number is 571-272-2118. The examiner can normally be reached on 8:00am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on 571-272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2851

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Rodney E Fuller  
Primary Examiner  
Art Unit 2851

A handwritten signature in black ink, appearing to be 'R. Fuller', written over the printed name of the examiner.

May 13, 2006